

Introduced by Senator Florez

February 21, 2003

An act to add Section 42315.5 to the Health and Safety Code, relating to air quality, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 704, as introduced, Florez. Air quality: agricultural burning.

(1) Under existing law, each air pollution control district and air quality management district is authorized to establish a permit system that requires, except as specified, that before any person builds, erects, alters, replaces, operates, or uses any article, machine, equipment, or other contrivance that may cause the issuance of air contaminants, the person obtain a permit from the air pollution control officer of the district.

This bill would require the San Joaquin Valley Air Pollution Control District to require any facility that burns biomass to demonstrate, as a condition to being issued a permit, that at least 30% of the biomass burned at the facility will be derived from agriculture-related waste, as determined by the district. The bill would require the owner or operator of any facility that is subject to that requirement to provide adequate documentation to the district, as determined by the district, and on a quarterly basis in a manner approved by the district, that the facility continues to burn at least 30% agriculture-related waste. The bill would require the facility, if it fails to meet the 30% requirement, to demonstrate that 40% of the biomass burned at the facility was agriculture-related waste in the immediately following quarter, and if the facility fails to meet that requirement, the bill would require the district to revoke the facility's permit. The additional duties of the bill

for the San Joaquin Valley Air Pollution Control District would impose a state-mandated local program.

(2) Existing law makes any violation of a rule, regulation, permit, or order of a district a misdemeanor. By expanding the scope of a crime, this bill would impose a state-mandated local program.

(3) This bill would make certain findings and declarations regarding the inapplicability of a general statute within the meaning of Section 16 of Article IV of the California Constitution.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reasons.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 42315.5 is added to the Health and
2 Safety Code, to read:

3 42315.5. (a) Notwithstanding any other provision of law, the
4 San Joaquin Valley Air Pollution Control District shall require any
5 facility that burns biomass to demonstrate, as a condition to being
6 issued a permit pursuant to this chapter, that at least 30 percent of
7 the biomass burned at the facility will be derived from
8 agriculture-related waste, as determined by the district.

9 (b) (1) The owner or operator of any facility that is subject to
10 subdivision (a) shall provide adequate documentation to the
11 district, as determined by the district, and on a quarterly basis in
12 a manner approved by the district, and that the facility continues
13 to burn at least 30 percent agriculture-related waste.

14 (2) If the facility fails to meet the 30 percent requirement
15 described in paragraph (1), the facility shall demonstrate that 40
16 percent of the biomass burned at the facility was
17 agriculture-related waste in the immediately following quarter.



1 (3) If the facility fails to meet the requirements of both
2 paragraph (1) and (2), the facility's permit to operate shall be
3 revoked by the district.

4 SEC. 2. The Legislature finds and declares that, due to the
5 unique circumstances involving the burning of wood waste in the
6 San Joaquin Valley, a statute of general applicability cannot be
7 enacted within the meaning of subdivision (b) of Section 16 of
8 Article IV of the California Constitution.

9 SEC. 3. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.

18 Moreover, no reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 a local agency or school district has the authority to levy service
21 charges, fees, or assessments sufficient to pay for the program or
22 level of service mandated by this act, within the meaning of
23 Section 17556 of the Government Code.

24 SEC. 4. This act is an urgency statute necessary for the
25 immediate preservation of the public peace, health, or safety
26 within the meaning of Article IV of the Constitution and shall go
27 into immediate effect. The facts constituting the necessity are:

28 In order to control the burning of wood waste and to protect
29 public health and safety in the San Joaquin Valley as soon as
30 possible, it is necessary that this act take immediate effect.

